



Virginia
Regulatory
Town Hall

Exempt Action Final Regulation
Agency Background Document

Agency Name:	Dept. of Medical Assistance Services (12 VAC 30)
VAC Chapter Number:	Chapters 50 and 100
Regulation Title:	Amount, Duration and Scope of Services and HIV Program
Action Title:	2000 Omnibus Amendment to State Plan
Date:	05/03/00

Where an agency or regulation is exempt in part or in whole from the requirements of the Administrative Process Act (§ 9-6.14:1 *et seq.* of the *Code of Virginia*) (APA), the agency may provide information pertaining to the action to be included on the Regulatory Town Hall. The agency must still comply the requirements of the Virginia Register Act (§ 9-6.18 *et seq.* of the *Code of Virginia*) and file with the Registrar and publish their regulations in a style and format conforming with the *Virginia Register Form, Style and Procedure Manual*. The agency must also comply with Executive Order Fifty-Eight (99) which requires an assessment of the regulation's impact on the institution of the family and family stability.

This agency background document may be used for actions exempt pursuant to § 9-6.14:4.1(C) at the final stage. Note that agency actions exempt pursuant to § 9-6.14:4.1(C) of the APA do not require filing with the Registrar at the proposed stage.

In addition, agency actions exempt pursuant to § 9-6.14:4.1(B) of the APA are not subject to the requirements of the Virginia Register Act (§ 9-6.18 *et seq.* of the *Code of Virginia*) and therefore are not subject to publication. Please refer to the *Virginia Register Form, Style and Procedure Manual* for more information.

Summary

Please provide a brief summary of the proposed new regulation, amendments to an existing regulation, or the regulation being repealed. There is no need to state each provision or amendment or restate the purpose and intent of the regulation, instead give a summary of the regulatory action and alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

These exempt final regulations adopt 3 separate mandates directed by the 2000 General Assembly: increase of HIV eligibility criteria, expansion of organ transplantation coverage, coverage of screenings for colorectal cancer.

The sections of the State Plan affected by this action are the Narrative for the Amount, Duration, and Scope of Services: inpatient hospital services (12 VAC 30-50-100, 12 VAC 30-50-105), physician services (12 VAC 30-50-140), screening services (12 VAC 30-50-220). The regulations affected by this regulatory action are HIV Premium Assistance (12 VAC 30-100-260) . These issues will be discussed in the following order throughout this summary.

HIV Premium Assistance Program

Before passage of House Bill 982 (HB 982) by the 2000 General Assembly, an applicant would be eligible for participation in the HIV Premium Assistance Program only if his family income was no greater than 200% of the federal poverty level. HB 982 requires, effective July 1, 2000, that the income standard for the HIV Premium Assistance Program be increased to 250% of the federal poverty level. This will result in more individuals qualifying for this premium assistance program.

Expansion of Organ Transplantation Services

DMAS currently provides reimbursement for kidney and cornea transplants and bone marrow transplants for lymphoma, breast cancer and leukemia for Medicaid recipients of all ages (per Supplement 1 to Attachment 3.1 A&B (12 VAC 30-50-100, -105, -140)). In addition, DMAS covers any other medically necessary transplantation procedures for children under the age of 21, provided the procedures are not considered to be experimental or investigational and are determined to be necessary through health screenings.

This action adds coverage for heart, lung, and liver transplantation procedures, and bone marrow transplantation procedures for myeloma for individuals over the age of 21 when preauthorized by DMAS. Legislation passed by the 2000 General Assembly requires that DMAS reimburse for these additional transplant procedures for individuals over the age of 21 effective by July 1, 2000. This regulation has positive impact on the public since it provides previously unavailable coverage.

Coverage of Colorectal Cancer Screening

At the current time, DMAS does not provide coverage of screening procedures for colorectal cancer for asymptomatic individuals. If a physician determines his patient may have symptoms of this disease, DMAS does cover these diagnostic procedures, examinations and laboratory tests. The difference that this new coverage will make is that individuals who have no symptoms of colorectal cancer will be able to have the covered procedures performed and Medicaid will reimburse for them.

Issues: The agency projects no negative issues involved in implementing these regulatory changes since they represent either eligibility or service expansions.

HIV Premium Assistance

The agency projects no negative issues involved in implementing this regulatory change.

Expansion of Organ Transplantation Services

The primary impact on DMAS and state is the additional funding required. This is provided for through appropriation actions. There is no disadvantage to the regulated entities since this regulation provides previously unavailable coverage.

Coverage of Colorectal Cancer Screening

The advantage of the provision of this service as a screening procedure is early detection of colorectal cancer for Medicaid recipients. There are no disadvantages to the public.

Impact: There are no localities that are uniquely affected by these regulations as they apply statewide.

HIV Premium Assistance

It is estimated that about 50 additional qualifying HIV Premium Assistance Program applicants can be assisted by increasing the income limit to 250% of the federal poverty level. The Appropriations Act includes \$150,000 for FY 2001 and \$150,000 for FY 2002 to fund the additional program costs. There are no localities that are uniquely affected by these regulations as they apply statewide.

Expansion of Organ Transplantation Services

No new providers will be required to provide these services. The 2000 General Assembly appropriated for SFY 2001 \$1,645,001 (\$792,726 GF; \$852,275 NGF) and for SFY 2002 \$1,370,000 (\$659,655 GF; \$710,345 NGF).

Coverage of Colorectal Cancer Screening

No new providers will be required to provide this service. The 2000 General Assembly appropriated for SFY 2001 \$874, 765 (\$421,549 GF; \$453,216 NGF) and for SFY 2002 \$874,765 (\$421,199 GF; \$453,566 NGF).

Statement of Final Agency Action

Please provide a statement of the final action taken by the agency .including the date the action was taken, the name of the agency taking the action, and the title of the regulation.

The Director of the Department of Medical Assistance Services adopted these final exempt regulations on May 2, 2000.

Additional Information

Please indicate that the text of the proposed regulation, the reporting forms the agency intends to incorporate or use in administering the proposed regulation, a copy of any documents to be incorporated by reference are attached.

Please state that the Office of the Attorney General (OAG) has certified that the agency has the statutory authority to promulgate the proposed regulation and that it comports with applicable state and/or federal law. Note that the OAG's certification is not required for Marine Resources Commission regulations.

If the exemption claimed falls under § 9-6.14:4.1(C) (4)(c) of the APA please include the federal law or regulations being relied upon for the final agency action.

There are no documents incorporated by reference or forms necessary to administer these regulations. The Office of the Attorney General has certified as to the agency's statutory authority to promulgate these regulations and it comports with applicable state and federal law.

Family Impact Statement

Please provide an analysis of the regulatory action that assesses the impact on the institution of the family and family stability including the extent to which the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

These regulatory actions will not have any negative affects on the institution of the family or family stability. They will not increase or decrease disposable family income or erode the marital commitment. They will not discourage economic self-sufficiency, self-pride, or the assumption of family responsibilities.